ORDINANCE NUMBER 3748

An ordinance amending Title 5 the Missoula Municipal Code, to add a new Section 5.08.121 to enact a prohibition on new business licenses for retail adult use cannabis dispensaries.

WHEREAS, since the legalization of adult-use cannabis, Missoula has seen an explosion of cannabis dispensaries around the City.

WHEREAS, the Cannabis and Missoula Youth report, produced by the Healthy Missoula Youth coalition, found that Missoula has more cannabis dispensaries per capita than any other U.S. city. *Cannabis and Missoula Youth*, Pg. 9.[1]

WHEREAS, recommendations from public health providers are that Missoula should have between 5 to 12 recreational marijuana dispensaries based on the current population of Missoula. *Cannabis and Missoula Youth*, Pg. 15.

WHEREAS, In the medical journal The Lancet, Volume 32, 100708, April 2024, in a systematic and extensive review of literature, the authors found that the literature suggests that greater cannabis retail store access is associated with increased cannabis-related health harms.

WHEREAS, the Tetrahydrocannibinnol (THC) level in current cannabis products is far stronger than the cannabis prior generations used,as illustrated with an average potency of 5% in the year 2000; currently flower potency is limited to 35% per Montana State law, and there no limits on the potency of concentrates, so concentrates such as edibles can be up to 99% with the dosage for the size of edibles at 10mg/serving. https://cannwechat.org/todays-cannabis/

WHEREAS, Marijuana use has been linked to a range of mental health problems, such as depression and social anxiety. People who use marijuana are more likely to develop temporary psychosis (not knowing what is real, hallucinations, and paranoia) and long-lasting mental disorders, including schizophrenia (a type of mental illness where people might see or hear things that aren't there).5 The association between marijuana and schizophrenia is stronger in people who start using marijuana at an earlier age and use marijuana more frequently. (Centers for Disease Control and Prevention).

WHEREAS, symptoms of overconsumption seen in Emergency Room visits include agitation, panic attacks, fast heart rate, chest pain, uncontrollable shaking or seizures, sudden high blood pressure with a headache, cannabinoid hyperemesis syndrome or unresponsiveness. 2023 Youth Cannabis Report.

WHEREAS, in Montana marijuana is the most commonly used drug among ages 12-17 who visit treatment centers for drug misuse or abuse, as 52% of youth being treated are seen

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[1] *Cannabis and Missoula Youth*, Healthy Missoula Youth Coalition, found online at https://9ed61beb-d8a2-4e6a-bc5e-7ff50b6f6dfc.usrfiles.com/ugd/9ed61b_37063f073aec4c8680a1bcf350f0d649.pdf

for cannabis related issues. 2023 Youth Cannabis Report, 2019 Montana DPHHS Medicaid Treatment Data.

WHEREAS, Cannabis related DUI's have more than doubled in the last seven years in Missoula; multiple studies have shown that the presence of THC metabolite in blood, saliva or urine is associated with a 20-30% higher odds of a motor vehicle crash. 2023 Youth Cannabis Report.

WHEREAS, the Missoula City Council believes a moratorium on new business licenses for cannabis dispensaries is necessary while the City explores whether its current rules applicable to location and operation of cannabis dispensaries are adequately protective of the public health, safety and welfare. City Council may revisit this prohibition once the review of the current rules is completed.

BE IT ORDAINED THAT Chapter 5.08.121 is hereby added to the Missoula Municipal Code as follows:

5.08.121 Prohibition on Issuance of New Business Licenses to Adult-Use Recreational Cannabis Dispensary Operators.

A. The City Council deems that it is in the public interest to not issue a business license for a new adult-use recreational cannabis dispensary within the City limits pending review and effect of applicable rules, including but not limited to the State of Montana's cannabis moratorium codified in 16-12-201, MCA (2025) and the City's Unified Development Code codified in Title 22 of the Missoula Municipal Code. The prohibition extends to preventing new locations for existing dispensary operations, ~~as well as preventing relocation of existing dispensaries~~ when the new location is in addition to the dispensary's existing location(s). The prohibition will allow an existing cannabis dispensary to vacate one location and relocated to a new location, so long as the new location complies with all applicable regulations.

B. Any cannabis dispensary operating without a valid license shall be considered to be in violation of this Chapter and subject to the enforcement provisions of Section 5.08.160, MMC. Each day of operation without a license shall constitute a separate violation of this Section.

C. The City may renew business licenses for any cannabis operation that was in operation at the time this Section became effective, so long as the business is in compliance with all other applicable rules and regulations.

D. This Section will sunset and have no further force and effect two years after the effective date of the ordinance enacting this Section.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been for any reason declared invalid or unconstitutional. If any portion of this ordinance is declared invalid or unlawful, then the remaining ordinance provisions shall remain in full force and

effect.

EFFECTIVE DATE

This ordinance will be effective 30 days from passage and adoption.

First reading and preliminary adoption on the 24th day of June, 2024, by a vote of: AYES: (11): NAYES: (0) ABSENT:(1) ABSTAIN: (0)

Second and final reading and adoption on the 8th day of July, 2024, by a vote of: AYES: (7): NAYES: (2) ABSENT:(3) ABSTAIN: (0)

ATTEST:

Claire Trimble (Jul 10, 2024 10:39 MDT)

Claire Trimble
City Clerk

APPROVED:

Andrea Davis (Jul 9, 2024 22:41 MDT)

Andrea Davis
Mayor

(S E A L)

ORD 3748 Amending Title 5 - Section 5.08.121 Prohibition on New Cannabis Business License

Final Audit Report 2024-07-10

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